

THE BOSTANY LAW FIRM

40 WALL STREET

61ST FLOOR

NEW YORK, NEW YORK 10005-1304

TEL: 212-530-4400

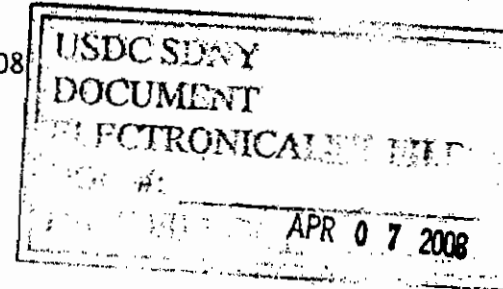
FAX: 212-530-4486

April 4, 2008

NEW JERSEY OFFICE

ONE GATEWAY CENTER  
NEWARK, NJ 07102

Hon. Laura Taylor Swain  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: *GMA v. Eminent, Inc., et. al*  
Docket No.: 07 CV 3219 (LTS) (DF)

**MEMO ENDORSED**

Your Honor:

Please accept this letter submission in reply to the Dreier letter dated April 3 and in support of a request by GMA for a minor revision to this Court's March 20, 2008 Memorandum Order.

The April 3 letter does not object to our April 2 request for electronic service but it seeks to deny the allegation contained in plaintiff's 3d Amended Complaint concerning the legal form of CHARLOTTE SOLNICKI. It is respectfully submitted that the facts surrounding whether or not CHARLOTTE SOLNICKI is itself a partnership owned by 3 siblings selling CHARLOTTE SOLNICKI merchandise or is a brand owned by CHARLOTTE B, LLC, are yet to be developed.<sup>1</sup> Pursuant to my March 25 letter to your Honor, we have pled alternative allegations in this regard and we believe that discovery will soon resolve the question.

I respectfully ask that the April 2 application for electronic service be granted. We recognize that if the Court grants this request it is making no finding at this time on the partnership allegation. The April 2 letter along with a copy of the Amended Complaint was delivered by hand upon the Dreier firm on April 2 and not by email as indicated on the letter. A copy of the proof of delivery is attached.


<sup>1</sup> CHARLOTTE SOLNICKI merchandise enjoyed substantial sales success and has stores in 5 separate countries with millions of dollars of sales that we know about, yet CHARLOTTE B, LLC claims not to be able to afford a lawyer. CHARLOTTE B, LLC appears nowhere on the sales documents we have received from the retailers in this case and is not a documented owner of CHARLOTTE SOLNICKI as far as we can tell.

In addition, it is respectfully asked that fn1 of this Court's March 20, 2008 Order be modified only to the extent of dropping the words "and which" from the sentence. The footnote would then read: "Furthermore, Solnicki has proffered evidence that CHARLOTTE B, LLC, the business that Defendant Solnicki formed with his two sisters, is responsible for designing and manufacturing clothing and accessories with the CHARLOTTE SOLNICKI mark, and is a limited liability company rather than a partnership."

modification  
request  
granted.  
JPS  
4/7/08

I thank the Court for its consideration in this regard and although this requested modification seems trivial it is important so that it does not appear that the Court already determined the question of ownership of the CHARLOTTE SOLNICKI brand which we anticipate discovery will soon resolve.

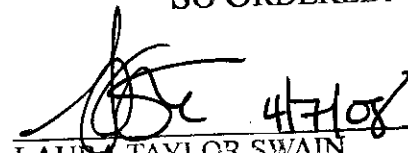
Respectfully,

  
John P. Bostany

The foregoing modification  
request is granted. The  
issue of alternate service  
methodology is before  
Judge Freeman.

Enclosure  
cc: Ira Sacks, Esq.

SO ORDERED.

  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

**SuperHot Messenger Service, Inc.**  
67 Vestry Street, New York, NY 10013 • (212) 431-1963

Delivery Date: 4/7/08  
Driver ID#: HH

From: John Boston  
40 Wall St (6TR)

To: Dorcas LLP  
499 Park Ave

Waiting Time: \_\_\_\_\_ minutes

Waiting Time: \_\_\_\_\_ minutes

Shipment will be received in good order.

Flat Rate: 18 Delivery Time: 6:40 P

Signature: Joseph  
Special Instructions: \_\_\_\_\_

Description: \_\_\_\_\_ Envelope \_\_\_\_\_ Carton(s) \_\_\_\_\_ Skid(s) \_\_\_\_\_ Rush \_\_\_\_\_ Round Trip